

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PACIFIC GAS AND
ELECTRIC COMPANY, a California
corporation, for a Permit to Construct
the Fulton-Fitch Mountain
Reconductoring Project (U39E).

Application 15-12-005

**DECISION GRANTING PETITION FOR MODIFICATION OF
DECISION 17-12-012****Summary**

This decision grants Pacific Gas and Electric Company's (PG&E) unopposed June 29, 2018 Petition for Modification (PFM) of Decision (D.) 17-12-012. PG&E asks to replace, rather than re-conductor, 21 existing poles for its Fulton-Fitch Mountain Reconductoring Project (project). PG&E filed its PFM after identifying corrosion on the cross-arms of tubular steel poles (TSPs) in the Southern Segment of the project that could potentially cause cross-arm failure during reconductoring activities approved by D. 17-12-012. To address the risk of cross-arm failure during reconductoring, PG&E asks to replace 21 existing TSPs in the Southern Segment that support the Fulton-Hopland 60 kilovolt (kV) Power Line (Fulton-Hopland 60 kV line), Geysers #12-Fulton 230 kV Transmission Line, and Geysers #17-Fulton 230 kV Transmission Line, rather than reconductoring on the existing TSPs as originally proposed. Replacing the

21 TSPs was not addressed in the 2017 Initial Study (IS)/Mitigated Negative Declaration (MND) (2017 MND) prepared for the project; therefore, PG&E was required to submit a PFM requesting the change. We have studied the potential environmental impact of the changes and find no adverse effects. Thus, it is in the public interest to grant the PFM. This proceeding is closed.

1. Background

On December 14, 2017, the Commission approved Decision (D.)17-12-012,¹ which granted PG&E's request for a permit to construct (PTC) the project. The PTC approved PG&E's plan to reinforce the electric transmission system in central Sonoma County by reconductoring 9.9 miles of the Fulton-Hopland 60 kV line and associated actions required to replace the 60 kV conductor. The approved project includes replacing 60 kV conductor and poles in the Northern Segment (8.1 miles), replacing 60 kV and 230 kV conductor and limited pole replacement in the Southern Segment (1.8 miles), and modifying Fitch Mountain Substation. The project is located primarily in unincorporated Sonoma County and a small portion of the Town of Windsor, between Larkfield-Wikiup and the Russian River.

In its original application, PG&E proposed to replace 60 kV and 230 kV conductor on 21 existing TSPs in the Southern Segment. Replacing the 230 kV conductor was proposed to meet General Order (GO) 95 requirements as a result of replacing the 60 kV conductor; replacing the 230 kV conductor was not directly related to a project objective. Following approval of the proposed project, PG&E identified corrosion on the cross-arms of the existing TSPs that could potentially cause cross-arm failure from the additional force that would

¹ D.19-02-015 modified D.17-12-012

occur during reconductoring activities. To address the risk of cross-arm failure, PG&E proposes to replace the 21 existing TSPs in the Southern Segment in order to safely reductor the 60 kV line.

The 21 existing TSPs would be replaced at a 1:1 ratio. New poles would be installed approximately 15 to 35 feet from the existing pole locations and in line with the existing conductor. New poles would be similar to existing poles and up to 20 feet taller. Increasing the pole heights would eliminate the need to replace the 230 kV conductor because there would be sufficient clearance distance between the lines to meet GO 95 requirements. Instead, the existing 230 kV lines would be transferred to the new poles, except along a 400-foot section that crosses United States Highway 101 (US 101) where conductor would be replaced as a safety measure to avoid conductor splices across the highway.

Construction activities for the proposed modifications would be similar to those described for the approved project, except pole replacement activities described in the Northern Segment would also occur in the Southern Segment. Replacing the existing TSPs during the reductoring process would increase the overall intensity and duration of construction activities in the Southern Segment. Construction access and temporary work areas would be similar to the approved project, with minor adjustments to accommodate the additional equipment involved with pole replacement. PG&E proposes to construct the Southern Segment from approximately October 2019 to June 2020.

2. Issues Before the Commission

There is one issue before the Commission: should the Commission grant the Petition for Modification of D.17-12-012 that PG&E filed on June 29, 2018?

3. California Environmental Quality Act

The Commission studied PG&E's proposed modifications to the project and found no new or substantially greater impact pursuant to the California Environmental Quality Act (CEQA). The CPUC prepared the Supplemental IS/MND (Supplemental MND) attached to this decision as Attachment 1. Pursuant to Sections 15162 and 15163 of the CEQA Guidelines, a Supplemental MND to the previously adopted 2017 MND is the appropriate type of CEQA review for PG&E's PFM for the following reasons:

1. The proposed changes would not involve new significant environmental effects.
2. The proposed changes would only result in minor increases in the severity of previously identified significant effects.
3. The changes would not result in a new or substantially greater impact.
4. All potentially significant impacts would remain less than significant after application of mitigation measures.
5. Only minor changes are needed to make the 2017 MND adequate, and thus a subsequent MND is not necessary.

This Supplemental MND meets the requirements described in the CEQA Guidelines. The analysis compares the impacts of the proposed changes to those of the project as previously approved. Only information necessary to make the 2017 MND adequate is included, pursuant to 14 CCR § 15163(b). The same kind of notice and public review opportunity was provided under 14 CCR § 15087 as for the 2017 MND.

On June 7, 2019, the California Public Utilities Commission's (CPUC's) Energy Division circulated a Notice of Intent (NOI) to adopt a Supplemental

MND² for the project to the State Clearinghouse, Responsible and Trustee Agencies, Property Owners, and Interested Parties, and released the Draft Supplemental MND for a 30-day public review and comment period (June 15 through July 15, 2019). Like the 2017 MND for the approved project, the Supplemental MND identifies mitigation measures for potentially significant impacts related to: Aesthetics; Agriculture and Forestry Resources; Biological Resources; Cultural and Tribal Cultural Resources; Geology, Soils, and Paleontological Resources; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise; Recreation; Transportation; Utilities and Public Services, and; Mandatory Findings of Significance.³

Comment letters were received from two public agencies during the comment period. The California Department of Fish and Wildlife (CDFW) submitted comments regarding potential impacts on biological resources and State permitting requirements, including recommendations for mitigation to address impacts on foothill yellow-legged frog, burrowing owl, special-status plants, wetlands, and riparian habitat. The California Department of Transportation (Caltrans) submitted a comment regarding encroachment permitting requirements for construction in the US 101 right-of-way. No other comment letters were received.

The CPUC Energy Division issued the Final Supplemental MND on August 13, 2019 which includes a detailed response to CDFW's and Caltrans' comment letters. The Energy Division responded to individual comments,

² Available at <https://www.cpuc.ca.gov/environment/info/panoramaenv/Fulton-Fitch/Fulton-Fitch.html>

³ The Supplemental MND uses the revised CEQA Guidelines that became effective on December 28, 2018.

provided additional background information, made clarifying revisions, and modified four mitigation measures in the Final Supplemental MND. Neither the comments nor the responses change the conclusions presented in the Draft Supplemental MND, and there is no evidence that the proposed modifications would result in significant environmental impacts not previously considered in connection with the project. The minor revisions presented in the Final Supplemental MND are not substantial as defined in CEQA Guidelines Section 15073.5, that would otherwise require recirculation of the MND or preparation of an Environmental Impact Report.

CEQA requires that, prior to making a decision on PG&E's PFM, the Commission must consider the Supplemental MND along with any comments received during the public review process, and that the Commission adopt the Supplemental MND only if it finds on the basis of the whole record that there is no substantial evidence that the project will have a significant effect on the environment and that the Supplemental MND reflects the lead agency's independent judgment and analysis. (CEQA Guidelines § 15074(a)-(b).) If the Commission adopts a Supplemental MND, CEQA requires that it also adopt a program for monitoring or reporting on the changes or conditions required to mitigate or avoid significant environmental effects. (CEQA Guidelines § 15074(d).) A revised version of the Mitigation Monitoring and Reporting Program that was adopted for the previously approved project is included as Appendix D of the Final Supplemental MND. The revisions include modifications to five mitigation measures. MM Traffic-1 was modified prior to issuing the Draft to address the updated CEQA Guidelines. Four other biology mitigation measures were modified to address comments submitted by CDFW, as explained in the following section.

4. Substitution of Mitigation Measures

Four mitigation measures were modified as a result of comments submitted by CDFW on the Draft Supplemental MND. Additional clarifying details were added to ensure the measures are implemented correctly and they address the potentially significant impacts described in the Supplemental MND. These measures include MM Biology-4 (foothill yellow-legged frog), MM Biology-5 (special-status and protected migratory birds), MM Biology-7 (Revegetation, Restoration, and Monitoring Plan), and MM Biology-9 (sensitive natural plant communities). The modified text of the mitigation measures and a description of the changes are provided at the beginning of the Supplemental MND. The modified mitigation measures replace the previous versions identified in the Draft Supplemental MND.

Section 15074.1 of the CEQA Guidelines describes the process for lead agencies substituting mitigation measures with equal or more effective mitigation measures as a result of the public review process for a proposed MND. Prior to substituting mitigation measures, the lead agency must (1) hold a public hearing on the matter, which may be held at the same time as a public hearing when the lead agency's makes its decision, if held, and (2) adopt a written finding that the measures are equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.

Pursuant to Section 15074.1 (a)(1), the modified mitigation measures would substitute the previous versions from the Draft Supplemental MND. The modified mitigation measures would be more effective in mitigating potentially significant effects identified in the Draft Supplemental MND because they provide additional clarifying details about mitigation requirements and

procedures. The mitigation modifications would not cause any potentially significant environmental effects.

5. Electric and Magnetic Field Management Plan

Section X(A) of General Order 131-D requires that applications for a PTC include a description of the measures taken or proposed by the utility to reduce the potential exposure to electric and magnetic fields (EMF) generated by the proposed facilities. In accordance with Section X(A) of General Order 131-D, CPUC Decision 06-01-042 (EMF Decision), and PG&E's EMF Design Guidelines prepared in accordance with the EMF Decision, PG&E is required to prepare a Field Management Plan (FMP) that identifies the "no-cost" and "low-cost" magnetic field reduction measures proposed as part of the final engineering design for the project. Low-cost measures have been defined as measures that cost 4 percent or less of the total project cost, which is also referred to as the 4 percent benchmark.⁴

PG&E provided an FMP in their original Application for the proposed project. The FMP included an analysis of one low-cost measure to reduce EMF by replacing six poles near schools in the Southern Segment with taller poles and thereby increasing the distance between the transmission conductor and ground surface, ultimately reducing EMF levels. At the time, pole replacement was not proposed in the Southern Segment and the estimated cost of replacing the poles was approximately \$3,597,871, which was 21 percent of the estimated total project cost and well above the 4 percent benchmark. As a result, the measure was rejected.

⁴ D.06-01-042 defines "low-cost" measures to mitigate EMF exposure for new utility transmission and substation projects.

PG&E provided a revised FMP in their PFM because the proposed modifications would change the assumptions used in the FMP. In the plan, PG&E proposes to raise the height of the 21 TSPs that would be replaced in the Southern Segment (subject of this PFM), where schools and residential land uses are located, by 5 feet taller than otherwise required for meeting GO 95 clearance requirements. The estimated cost of this reduction measure is approximately \$265,000, which is below the 4 percent benchmark. Therefore, PG&E would implement the EMF reduction measure as part of the proposed modifications.

6. Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

7. Assignment of Proceeding

Clifford Rechtschaffen is the assigned Commissioner and Brian Stevens is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The proposed modifications will have either no significant impacts or less than significant impacts with respect to: Air Quality, Energy, Mineral Resources, Greenhouse Gas Emissions, Land Use and Planning, and Population and Housing.

2. With the implementation of the mitigation measures identified in the Mitigation, Monitoring and Reporting Program identified in the Supplemental MND and attached to this order, potentially significant impacts from the proposed modifications will be avoided or reduced to less than significant levels with respect to: Aesthetics; Agriculture and Forestry Resources; Biological

Resources; Cultural and Tribal Cultural Resources; Geology, Soils, and Paleontological Resources; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise; Recreation; Transportation; Utilities and Public Services, and; Mandatory Findings of Significance.

3. The supplemented mitigation measures would be more effective in mitigating potentially significant effects identified in the Final Supplemental MND, and the modifications would not cause any potentially significant environmental effects.

4. The project, with the proposed modifications, is designed in compliance with the CPUC's policies governing the reduction of existing EMF levels using low-cost and no-cost measures.

5. The Final Supplemental MND was completed in compliance with CEQA requirements.

6. The Final Supplemental MND reflects the CPUC's independent judgment and analysis.

Conclusions of Law

1. PG&E's PFM should be granted to allow pole replacement in the Southern Segment of the project.

2. A Supplemental Mitigated Negative Declaration is the appropriate type of CEQA review for PG&E's PFM.

3. The changes proposed in the PFM comply with CEQA.

4. This order should be effective immediately.

O R D E R

IT IS ORDERED that:

1. Pacific Gas and Electric Company's June 29, 2018 Petition for Modification is granted.

2. The Final Supplemental Mitigated Negative Declaration (MND) attached to this decision as Attachment 1 is adopted, including the revised Mitigation Monitoring and Reporting Program (Appendix D of the Final Supplemental MND).

3. Application 15-12-005 is closed.

This order is effective today.

Dated _____, at Los Angeles, California.

ATTACHMENT 1